

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

TRUSTEES OF THE PLUMBERS
AND PIPEFITTERS NATIONAL
PENSION FUND, et al.,

Plaintiffs,

v.

IRWIN-YAEGER, INC.,

Defendant.

NO: 13-CV-0387-TOR

ORDER OF DISMISSAL WITH
PREJUDICE

BEFORE THE COURT is the parties' Stipulated Notice of Dismissal with Prejudice (ECF No. 10). Pursuant to the parties' stipulation, the Court will dismiss this case with prejudice and without costs or attorney's fees to any party, subject to the preservation of certain rights. *See* Fed. R. Civ. P. 41(a)(1)(A)(ii).

Pursuant to the parties' agreement, Plaintiffs shall retain the right to conduct a future payroll examination of defendant's books and records (for any period of time other than July 1, 2011 through December 31, 2011) in order to ensure that all required fringe benefit contributions and union dues have been paid; and further, in

1 the event the payroll examination reveals that delinquent fringe benefit
2 contributions and/or dues are owed, plaintiffs shall have the right to institute legal
3 proceedings against defendant to recover the delinquent fringe benefit
4 contributions and/or union dues found due and owing pursuant to the payroll
5 examination report, together with all other amounts to which plaintiffs would be
6 entitled to recover under the subject collective bargaining agreement, trust
7 agreement and applicable law.

8 **IT IS HEREBY ORDERED:**

9 Pursuant to the parties' Stipulation for Dismissal (ECF No. 10), all claims
10 and causes of action in this matter are **DISMISSED** with prejudice and without
11 costs or fees to any party, subject to the preservation of the rights enumerated
12 above. All pending motions are **DENIED** as moot.

13 The District Court Executive is hereby directed to enter this Order, furnish
14 copies to counsel, and **CLOSE** the file.

15 **DATED** June 25, 2014.



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A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE
United States District Judge